

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - May 14, 1969

Appeal No. 10048 Florence G. Read, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Mr. Harps absent, the following Order was entered at the meeting of the Board on May 20, 1969.

ORDERED:

That the appeal for a variance from the use provisions of the C-2-A District to permit the establishment of a sheet metal shop in lieu of an office building at the rear of 3012 Nichols Avenue, S.E., lots 13 and 14, Square 5952, be denied.

FINDINGS OF FACT:

1. The subject property is located in a C-2-A District.
 2. The property is improved with a two-story brick building.
 3. The property was previously the subject of BZA Appeal No. 9846 which was denied by this Board.
 4. At public hearing on April 16, 1969, appellant alleged that this Board denied the prior appeal Ex parte.
 5. This Board granted a new appeal numbered 10048 in which appellant seeks to establish a sheet metal shop in the C-2-A District.
 6. The findings of the Board and the exhibits and records constituting Appeal No. 9846 are incorporated and made part of this subject appeal at the request of the opposition.
 7. BZA files numbered 9846 and 10048 contain petitions both in favor of and in opposition to this appeal.
 8. Appellant alleges that this appeal should be granted in that he entered into a binding lease with lessor for a five-year term after applying for and receiving a certificate of occupancy. Applicant also claims an expenditure of \$2,500
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for improvements in the subject property as the result of the issuance of the Certificate of Occupancy.

9. Certificate of Occupancy numbered B64901 issued June 3, 1968, authorizing the operation of the sheet metal shop at 3012 Nichols Avenue, S.E., Washington, D.C. was cancelled on October 2, 1968, by the Department of Licenses and Inspections after having been issued in error.

10. Opposition to the granting of this appeal was registered at the public hearing.

OPINION:

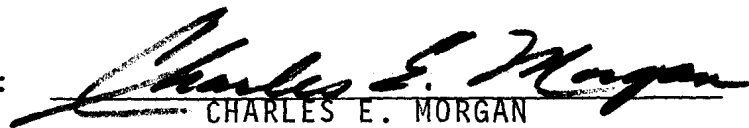
We are of the opinion that this appeal must be denied in that appellant has failed to prove a hardship within the meaning of the variance clause of the Zoning Regulations.

Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Maps.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:

A handwritten signature in dark ink, appearing to read "Charles E. Morgan", is written over a horizontal line.

CHARLES E. MORGAN
Secretary of the Board